

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

RICKY OGLETREE JR.,)	
)	
Plaintiff,)	
)	
v.)	CV420-274
)	
CHATHAM COUNTY DETENTION)	
CENTER,)	
)	
Defendant.)	

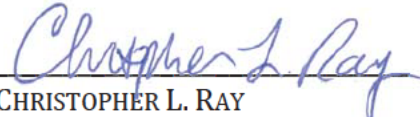
ORDER

Before the Court is plaintiff's Petition for Writ of Habeas Corpus, doc. 6 which has been docketed in a previously filed 42 U.S.C. § 1983 case. In the petition, plaintiff explains that he is seeking release because he has been held without bond.¹ Doc. 6. Generally speaking, § 1983 is the proper method to seek monetary damages for constitutional wrongs committed by state actors, while habeas is the vehicle for release. They are generally not sought in the same action. Additionally, the type of relief sought implicates the filing fees that plaintiff must pay. And indeed, plaintiff was made aware of the distinction between these two types of cases. Doc. 3, n. 1. Accordingly, and because plaintiff has made clear that he intends to seek relief under both

¹ The Court notes that plaintiff also sought a bond in his initial complaint, doc. 1 at 5, and seeks some amount of remuneration in this most recent filing, doc. 6 at 7.

habeas, pursuant to 28 U.S.C. § 2241, *as well as* pursue a claim for what appears to be unlawful imprisonment, pursuant to 42 U.S.C. § 1983, the Clerk of Court is **DIRECTED** to open a new civil case under 28 U.S.C. § 2241 and docket plaintiff's recently filed application, doc. 6, as well as a copy of his previously filed application for leave to proceed *in forma pauperis*, doc. 2, in that case. Because the Court is not recharacterizing plaintiff's pleading and is instead merely docketing the application in a new case, and because this case is pursuant to 28 U.S.C. § 2241 no warning under *Castro v. United States*, 540 U.S. 375 (2003) is necessary. His currently pending § 1983 case will continue under this docket number.

SO ORDERED, this 10th day of December, 2020.


CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA